

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

David Davis and Page Gearhart-Davis
PRO SE,

Case Number: **C 07-03365 EDL**

Plaintiff(s),

CERTIFICATE OF SERVICE

VS.

Clearlake Police Department

Defendant(s)

I, the undersigned, hereby certify that I am over the age of eighteen and not a party to the above entitled action.

That on 4/10/08, I served a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail.

Low, Ball & Lynch
505 Montgomery Street, 7th Floor
San Francisco, CA 94111

I declare under penalty of perjury that the foregoing is true and correct.



DAVID DAVIS and PAGE GEARHART-DAVIS
PRO SE
PO BOX 3225
CLEARLAKE, CA 94522
(707)995-0749

IN THE UNITED STATES DISTRICT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID DAVIS and PAGE GEARHART-DAVIS,

Plaintiff(s),

vs.

CLEARLAKE POLICE DEPARTMENT,

Defendant(s)

Case No.: C 07-03365 EDL

**INTERROGATORIES TO DEFENDANT(S)
CLEARLAKE POLICE DEPARTMENT - SGT.
CELLI**

Propounding Party: Plaintiff(s) David Davis & Page Gearhart-Davis

Responding Party: Defendant(s) City of Clearlake - Sgt. Celli

INTRODCUTION

It is hereby requested that you, and each of you answer under oath within thirty days, pursuant to Federal Rules of Civil Procedure, Rule 33, the following interrogatories.

As a general rule, within 30 days after you are served with these interrogatories, you must serve your response on the asking party and serve copies of the responses on all other parties to the action who have appeared.

Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath. The grounds for objecting to an interrogatory must be stated with specificity. Any ground

1 not stated in a timely objection is waived unless the court, for good cause,
2 excuses the failure. The person who makes the answers must sign them, and
3 the attorney who objects must sign any objections.

4 Whenever an interrogatory may be answered by referring too a document,
5 the document may be attached as an exhibit to the response. If the document
6 has more than one page, refer to the page and section where the answer to the
7 interrogatory can be found.

8 **DEFENITIONS**

9 The following words in these interrogatories are defined as follows:

- 10 1. INCIDENT includes the circumstances and events surrounding the alleged
11 accident, injury or other occurrence or breach of contract giving rise
12 to this action or proceeding.
- 13 2. YOU OR ANYONE ACTING ON YOUR BEHALF includes you (responding party
14 listed above), your agents, your employees, your insurance companies,
15 their agents, their employees, your attorneys, your accountants, your
16 investigators, and anyone else acting on your behalf.
- 17 3. PERSON includes a natural person, firm, association, organization,
18 partnership, business, trust, corporation, or public entity.
- 19 4. DOCUMENT means a writing, as defined in Evidence Code section 250, and
20 includes the original or a copy of handwriting, typewriting, printing,
21 photostating, photographing, and every other means of recording upon
22 any tangible thing or form of communicating or representation,
23 including letters, words, pictures, sounds, or symbols, or combinations
24 of them.
- 25 5. ADRESS means the street address, including the city, state, and zip
code.

6. IDENTIFY, when used with respect to a PERSON, means to provide that PERSON'S present name, ADDRESS, and telephone number.

7. IDENTIFY, when used with regard to a DOCUMENT, means to describe the DOCUMENT, including enough detail with regard to its title (if any) and contents to give a third party who is unfamiliar with the DOCUMENT information sufficient to isolate that DOCUMENT from other DOCUMENTS and to give the third party a general idea regarding the form and contents of the DOCUMENT.

8. IDENTIFY, when used with regard to claim, means to provide the claim number, a brief statement of the claim sufficient to give a third party who is unfamiliar with the claim a general idea regarding the subject of the claim, the amount of damages claimed, the date upon which the claim was made, the identity of the person to whom the claim was made, and the identity of the person by whom the claim was made.

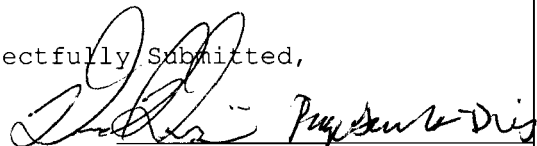
INTERROGATORIES

1. Interrogatory No. 1: Was a firearm involved in the incident described in the complaint registered on 6-8-03 against you by a African-American?

2. Interrogatory No. 2: If YOUR response to Interrogatory No. 1 is "Yes", please state all facts in support of this contention.

Dated this April 10, 2008

Respectfully Submitted,


DAVID DAVIS and PAGE
GEARHART-DAVIS

DAVID DAVIS and PAGE GEARHART-DAVIS
PRO SE
PO BOX 3225
CLEARLAKE, CA 94522
(707) 995-0749

IN THE UNITED STATES DISTRICT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID DAVIS and PAGE GEARHART-DAVIS,

Plaintiff(s),

vs.

CLEARLAKE POLICE DEPARTMENT,

Defendant(s)

Case No.: C 07-03365 EDL

INTERROGATORIES TO DEFENDANT(S)
CLEARLAKE POLICE DEPARTMENT - OFFICER
MILLER

Propounding Party: Plaintiff(s) David Davis & Page Gearhart-Davis

Responding Party: Defendant(s) City of Clearlake - Officer Miller

INTRODCUCTION

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Whenever an interrogatory may be answered by referring too a document, the document may be attached as an exhibit to the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

DEFENITIONS

The following words in these interrogatories are defined as follows:

1. INCIDENT includes the circumstances and events surrounding the alleged accident, injury or other occurrence or breach of contract giving rise to this action or proceeding.
2. YOU OR ANYONE ACTING ON YOUR BEHALF includes you (responding party listed above), your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.
3. PERSON includes a natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.
4. DOCUMENT means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible thing or form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.
5. ADRESS means the street address, including the city, state, and zip code.

1 6. IDENTIFY, when used with respect to a PERSON, means to provide that
2 PERSON'S present name, ADDRESS, and telephone number.

3 7. IDENTIFY, when used with regard to a DOCUMENT, means to describe the
4 DOCUMENT, including enough detail with regard to its title (if any) and
5 contents to give a third party who is unfamiliar with the DOCUMENT
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7 and to give the third party a general idea regarding the form and
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9 8. IDENTIFY, when used with regard to claim, means to provide the claim
10 number, a brief statement of the claim sufficient to give a third party
11 who is unfamiliar with the claim a general idea regarding the subject
12 of the claim, the amount of damages claimed, the date upon which the
13 claim was made, the identity of the person to whom the claim was made,
14 and the identity of the person by whom the claim was made.

15 **INTERROGATORIES**

16 1. Interrogatory No. 1: Do YOU believe Sgt. Celli's statements he made in
17 his Interoffice Memorandum, dated 8-2-06 to Ron Larson regarding
18 Contact with David Davis, about YOU are accurate?

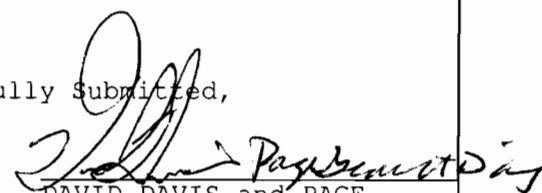
19 2. Interrogatory No. 2: If YOUR response to Interrogatory No. 1 is "No",
20 please state all facts in support of this contention.

21 3. Interrogatory No. 3: Would YOU consider Sgt. Celli an upstanding
22 officer?

23 4. Interrogatory No. 4: If YOUR response to Interrogatory No. 3 is "Yes",
24 please state all facts in support of this contention.

1 Dated this April 10, 2008

2 Respectfully Submitted,

3 
4 DAVID DAVIS and PAGE
5 GEARHART-DAVIS
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1 DAVID DAVIS and PAGE GEARHART-DAVIS
2 PRO SE
3 PO BOX 3225
4 CLEARLAKE, CA 94522
5 (707) 995-0749

6 IN THE UNITED STATES DISTRICT
7 THE NORTHERN DISTRICT OF CALIFORNIA
8 SAN FRANCISCO DIVISION

9 DAVID DAVIS and PAGE GEARHART-DAVIS,

Case No.: C 07-03365 EDL

10 Plaintiff(s),

INTERROGATORIES TO DEFENDANT(S)
CLEARLAKE POLICE DEPARTMENT - OFFICER
LABBE

11 vs.

12 CLEARLAKE POLICE DEPARTMENT,

13 Defendant(s)

14
15 Propounding Party: Plaintiff(s) David Davis & Page Gearhart-Davis

16 Responding Party: Defendant(s) City of Clearlake - Officer Labbe

17 **INTRODCUTION**

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19 within thirty days, pursuant to Federal Rules of Civil Procedure, Rule 33,
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15 their agents, their employees, your attorneys, your accountants, your
16 investigators, and anyone else acting on your behalf.
- 17 3. PERSON includes a natural person, firm, association, organization,
18 partnership, business, trust, corporation, or public entity.
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11 who is unfamiliar with the claim a general idea regarding the subject
12 of the claim, the amount of damages claimed, the date upon which the
13 claim was made, the identity of the person to whom the claim was made,
14 and the identity of the person by whom the claim was made.

15 **INTERROGATORIES**

16 1. Interrogatory No. 1: Was the statement you gave in the investigation
17 I.A. 01-12-07/90, discussed in Interoffice Memorandum dated in January
18 2007, to the Chief of Police from Sgt. Michael Herman, YOUR true
19 statement?

20 2. Interrogatory No. 2: If YOUR response to Interrogatory No. 1 is "No",
21 please state all facts in support of this contention.

22 3. Interrogatory No. 3: Where YOU and Sgt. Celli parked on Lakeshore
23 Drive when you observed the Davis' turn off of Olympic Drive onto
24 Lakeshore Drive?

25 4. Interrogatory No. 4: Did YOU speak to Ron Larson in regards to the
Davis' after 12-27-06 regarding the traffic stop you conducted on them?

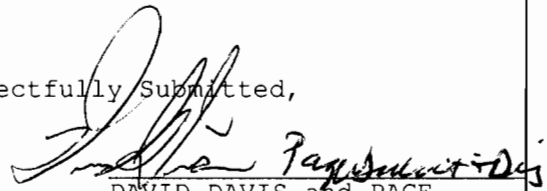
1 5. Interrogatory No. 5: If YOUR response to Interrogatory No. 4 is "Yes",
2 please state all facts in support of this contention.

3 6. Interrogatory No. 6: Did YOU take pictures of the Davis' vehicle on
4 12-27-06?

5 7. Interrogatory No. 7: What did YOU observe obstructing the license
6 plates on the Davis' vehicle on 12-27-06?

7
8 Dated this April 10, 2008

Respectfully Submitted,


DAVID DAVIS and PAGE
GEARHART-DAVIS

DAVID DAVIS and PAGE GEARHART-DAVIS
PRO SE
PO BOX 3225
CLEARLAKE, CA 94522
(707) 995-0749

IN THE UNITED STATES DISTRICT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID DAVIS and PAGE GEARHART-DAVIS,

Plaintiff(s),

vs.

CLEARLAKE POLICE DEPARTMENT,

Defendant(s)

Case No.: C 07-03365 EDL

INTERROGATORIES TO DEFENDANT(S)
CLEARLAKE POLICE DEPARTMENT - OFFICER
HARDISTY

Propounding Party: Plaintiff(s) David Davis & Page Gearhart-Davis

Responding Party: Defendant(s) City of Clearlake - Officer Hardisty

INTRODCUTION

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8. IDENTIFY, when used with regard to claim, means to provide the claim number, a brief statement of the claim sufficient to give a third party who is unfamiliar with the claim a general idea regarding the subject of the claim, the amount of damages claimed, the date upon which the claim was made, the identity of the person to whom the claim was made, and the identity of the person by whom the claim was made.

INTERROGATORIES

1. Interrogatory No. 1: Where YOU in a separate patrol car than Officer Hobbs on August 3, 2006?

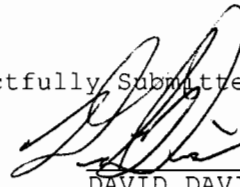
2. Interrogatory No. 2: If YOUR response to Interrogatory No. 1 is "Yes", please state all facts in support of this contention.

3. Interrogatory No. 3: Was the statement you gave in the investigation I.A. 08-03-06/90/107/132/145, discussed in Interoffice Memorandum dated 8-29-06, to Robert Chalk from Ron Larson, YOUR true statement?

4. Interrogatory No. 4: If YOUR response to Interrogatory No. 3 is "No", please state all facts in support of this contention.

1 Dated this April 10, 2008

Respectfully Submitted,


DAVID DAVIS and PAGE
GEARHART-DAVIS

DAVID DAVIS and PAGE GEARHART-DAVIS
PRO SE
PO BOX 3225
CLEARLAKE, CA 94522
(707)995-0749

IN THE UNITED STATES DISTRICT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID DAVIS and PAGE GEARHART-DAVIS,

Case No.: C 07-03365 EDL

Plaintiff(s),

**INTERROGATORIES TO DEFENDANT(S)
CLEARLAKE POLICE DEPARTMENT - OFFICER
BRADY**

vs.

CLEARLAKE POLICE DEPARTMENT,

Defendant(s)

Propounding Party: Plaintiff(s) David Davis & Page Gearhart-Davis

Responding Party: Defendant(s) City of Clearlake - Officer Brady

INTRODCUTION

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12 of the claim, the amount of damages claimed, the date upon which the
13 claim was made, the identity of the person to whom the claim was made,
14 and the identity of the person by whom the claim was made.

15 **INTERROGATORIES**

16 1. Interrogatory No. 1: Are YOU in fear of YOUR career as a police
17 officer being jeopardized because of what has happened to other
18 officers and or employees who have filled complaints against the
19 Clearlake Police Department?

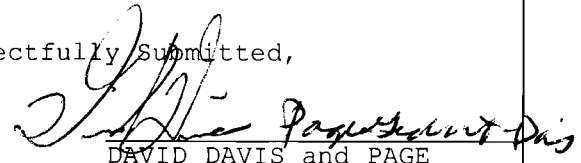
20 2. Interrogatory No. 2: If YOUR response to Interrogatory No. 1 is "Yes",
21 please state all facts in support of this contention.

22 3. Interrogatory No. 3: Have YOU ever heard any racial statements being
23 made by any officers on the force?

24 4. Interrogatory No. 4: Do YOU have any knowledge of Sgt. Celli every
25 pulling his firearm while off duty on somebody in a public bar?

1
2 Dated this April 10, 2008

Respectfully Submitted,

3 
4 DAVID DAVIS and PAGE
GEARHART-DAVIS

DAVID DAVIS and PAGE GEARHART-DAVIS
PRO SE
PO BOX 3225
CLEARLAKE, CA 94522
(707) 995-0749

IN THE UNITED STATES DISTRICT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID DAVIS and PAGE GEARHART-DAVIS,

Plaintiff(s),

vs.

CLEARLAKE POLICE DEPARTMENT,

Defendant(s)

Case No.: C 07-03365 EDL

REQUEST FOR ADMISSION TO DEFENDANT(S)
CLEARLAKE POLICE DEPARTMENT - SGT.
CELLI

Propounding Party: Plaintiff(s) David Davis & Page Gearhart-Davis

Responding Party: Defendant(s) City of Clearlake - Sgt. Celli

INTRODCUTION

It is hereby requested that you admit or deny under oath within thirty days, pursuant to Federal Rules of Civil Procedure, Rule 3, the following requests for admission.

As a general rule, within 30 days after you are served with these requests, you must serve your response on the asking party and serve copies of the responses on all other parties to the action who have appeared.

A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a

1 written answer or objection addressed to the matter and signed by the party
2 or its attorney.

3 If a matter is not admitted, the answer must specifically deny it or state in
4 detail why answering party cannot truthfully admit or deny it. A denial,
5 must fairly respond to the substance of the matter; and when good faith
6 requires that a party qualify an answer or deny only a part of a matter, the
7 answer must specify the part admitted and qualify or deny the rest. The
8 answering party may assert lack of knowledge or information as a reason for
9 failing to admit or deny only if the party states that it has made reasonable
10 inquiry and that the information it knows or can readily obtain is
11 insufficient to enable it to admit or deny.

12 The grounds for objecting to a request must be stated. A party must
13 not object solely on the ground that the request presents a genuine issue for
14 trial.

15 **DEFENITIONS**

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18 accident, injury or other occurrence or breach of contract giving rise
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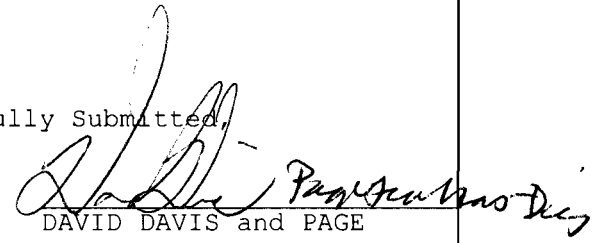
23 **REQUESTS FOR ADMISSION**

24 1. Request No. 1: Admit that YOU consider the Davis' Anti-Law Enforcement
25 and a threat to the community.

1 2. Request No. 2: Admit that YOU approached David Davis while he was
2 pumping gas into his vehicle on 8-2-06.
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4 Dated this April 10, 2008

Respectfully Submitted,


5 DAVID DAVIS and PAGE
6 GEARHART-DAVIS
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IN THE UNITED STATES DISTRICT
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DAVID DAVIS and PAGE GEARHART-DAVIS,

Plaintiff(s),

vs.

CLEARLAKE POLICE DEPARTMENT,

Defendant(s)

Case No.: C 07-03365 EDL

**REQUEST FOR ADMISSION TO DEFENDANT(S)
CLEARLAKE POLICE DEPARTMENT - OFFICER
MILLER**

Propounding Party: Plaintiff(s) David Davis & Page Gearhart-Davis

Responding Party: Defendant(s) City of Clearlake - Officer Miller

INTRODCUCTION

It is hereby requested that you admit or deny under oath within thirty days, pursuant to Federal Rules of Civil Procedure, Rule 3, the following requests for admission.

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A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a

1 written answer or objection addressed to the matter and signed by the party
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3 If a matter is not admitted, the answer must specifically deny it or state in
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5 must fairly respond to the substance of the matter; and when good faith
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8 answering party may assert lack of knowledge or information as a reason for
9 failing to admit or deny only if the party states that it has made reasonable
10 inquiry and that the information it knows or can readily obtain is
11 insufficient to enable it to admit or deny.

12 The grounds for objecting to a request must be stated. A party must
13 not object solely on the ground that the request presents a genuine issue for
14 trial.

15 **DEFENITIONS**

16 The following words in these interrogatories are defined as follows:

- 17 1. INCIDENT includes the circumstances and events surrounding the alleged
18 accident, injury or other occurrence or breach of contract giving rise
19 to this action or proceeding.
- 20 2. YOU OR ANYONE ACTING ON YOUR BEHALF includes you (responding party
21 listed above), your agents, your employees, your insurance companies,
22 their agents, their employees, your attorneys, your accountants, your
23 investigators, and anyone else acting on your behalf.
- 24 3. PERSON includes a natural person, firm, association, organization,
25 partnership, business, trust, corporation, or public entity.

1 4. DOCUMENT means a writing, as defined in Evidence Code section 250, and
2 includes the original or a copy of handwriting, typewriting, printing,
3 photostating, photographing, and every other means of recording upon
4 any tangible thing or form of communicating or representation,
5 including letters, words, pictures, sounds, or symbols, or combinations
6 of them.

7 5. ADRESS means the street address, including the city, state, and zip
8 code.

9 6. IDENTIFY, when used with respect to a PERSON, means to provide that
10 PERSON'S present name, ADRESS, and telephone number.

11 7. IDENTIFY, when used with regard to a DOCUMENT, means to describe the
12 DOCUMENT, including enough detail with regard to its title (if any) and
13 contents to give a third party who is unfamiliar with the DOCUMENT
14 information sufficient to isolate that DOCUMENT from other DOCUMENTS
15 and to give the third party a general idea regarding the form and
16 contents of the DOCUMENT.

17 8. IDENTIFY, when used with regard to claim, means to provide the claim
18 number, a brief statement of the claim sufficient to give a third party
19 who is unfamiliar with the claim a general idea regarding the subject
20 of the claim, the amount of damages claimed, the date upon which the
21 claim was made, the identity of the person to whom the claim was made,
22 and the identity of the person by whom the claim was made.

23 **REQUESTS FOR ADMISSION**

24 1. Request No. 2: Admit that YOU approached David Davis while he was
25 pumping gas into his vehicle on 8-2-06.

1 Dated this April 10, 2008

Respectfully Submitted,


DAVID DAVIS and PAGE
GEARHART-DAVIS

Page Approved

DAVID DAVIS and PAGE GEARHART-DAVIS
PRO SE
PO BOX 3225
CLEARLAKE, CA 94522
(707) 995-0749

IN THE UNITED STATES DISTRICT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID DAVIS and PAGE GEARHART-DAVIS,

Plaintiff(s),

vs.

CLEARLAKE POLICE DEPARTMENT,

Defendant(s)

Case No.: C 07-03365 EDL

**REQUEST FOR ADMISSION TO DEFENDANT(S)
CLEARLAKE POLICE DEPARTMENT - OFFICER
HOBBS**

Propounding Party: Plaintiff(s) David Davis & Page Gearhart-Davis

Responding Party: Defendant(s) City of Clearlake - Officer Hobbs

INTRODCUTION

It is hereby requested that you admit or deny under oath within thirty days, pursuant to Federal Rules of Civil Procedure, Rule 3, the following requests for admission.

As a general rule, within 30 days after you are served with these requests, you must serve your response on the asking party and serve copies of the responses on all other parties to the action who have appeared.

A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a

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22 and the identity of the person by whom the claim was made.

23 **REQUESTS FOR ADMISSION**

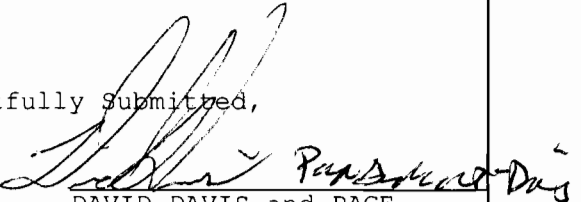
24 1. Request No. 1: Admit in YOUR incident report from 8-3-06, after
25 following the vehicle a few blocks you were able to see the whole

1 license plate and a check via dispatch revealed the registration on the
2 Davis' vehicle was expired.

3 2. Request No. 2: Admit when the tow truck arrived on 8-3-06 Sgt. Celli
4 and Officer Hardisty were with you.

5
6 Dated this April 10, 2008

Respectfully Submitted,

7 
8 DAVID DAVIS and PAGE
GEARHART-DAVIS

DAVID DAVIS and PAGE GEARHART-DAVIS
PRO SE
PO BOX 3225
CLEARLAKE, CA 94522
(707) 995-0749

IN THE UNITED STATES DISTRICT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID DAVIS and PAGE GEARHART-DAVIS,

Plaintiff(s),

vs.

CLEARLAKE POLICE DEPARTMENT,

Defendant(s)

Case No.: C 07-03365 EDL

**REQUEST FOR ADMISSION TO DEFENDANT(S)
CLEARLAKE POLICE DEPARTMENT - OFFICER
HARDISTY**

Propounding Party: Plaintiff(s) David Davis & Page Gearhart-Davis

Responding Party: Defendant(s) City of Clearlake - Officer Hardisty

INTRODCUTION

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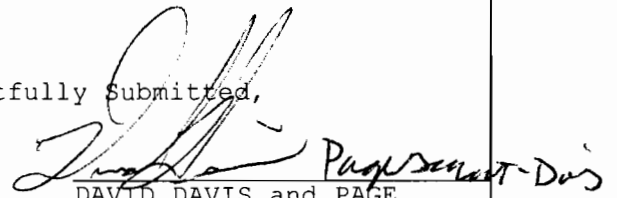
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20 of the claim, the amount of damages claimed, the date upon which the
21 claim was made, the identity of the person to whom the claim was made,
22 and the identity of the person by whom the claim was made.

23 **REQUESTS FOR ADMISSION**

24 1. Request No. 2: Admit that YOU wrote the driver as David Davis in the
25 Vehicle Report, File #06-2456, on 8-3-06.

1 Dated this April 10, 2008

Respectfully Submitted,


DAVID DAVIS and PAGE
GEARHART-DAVIS